

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-16 remain in this application.

Claims 1-16 are amended in a manner responsive to the Official Action's objections and rejections, and further in consideration of U.S. practice and preferences. In particular, claims 13, 15, and 16 are amended into independent form, responsive to the Official Action's formal rejections and/or objections, as detailed below.

None of the amendments to the claims introduce new matter.

The specification is amended to address minor typographical errors, and to remove express references to the claims by number. These amendments to the specification do not introduce new matter.

Formal Matters

The Official Action objected to the claims have the term "deice".

In response, claims 2-3 and 7-11 have been amended to revise "deice" as "device", based on the Examiner's recommendation. Withdrawal of the objection is thereby respectfully requested.

The Official Action objected to claims 15 and 16 under 37 CFR 1.75(c) as being of improper dependent form, failing to limit the subject matter of a previous claim.

In response, claims 15 and 16 have been amended to recite the invention in independent form. Withdrawal of the objection to claims 15 and 16 under 37 CFR 1.75(c) is respectfully solicited.

The Official Action further objected to the disclosure, stating that no specific program as required by claim 16 was found.

In response, it is respectfully submitted that the disclosure of a program appears, for example, at page 25, line 14 to page 27, line 4, describing a program as required by claim 16 (e.g., "The embodiment of the computer program of the present invention is a computer program of instructions for recording control and for tangibly embodying a program of instructions executable by a computer provided in the above-mentioned embodiment of the information recording apparatus of the present invention," page 25, lines 18-22).

It is therefore respectfully submitted that claim 16 is supported by the specification and, accordingly, no correction to the specification is required. Withdrawal of the objection is solicited.

The Official Action states that no correspondence to the term "quasi-correspondence address" was found in the specification of the disclosure.

In response, it is further respectfully submitted that the term "quasi-correspondence address" is described at least at page 16, line 26 to page 17, line 22, and page 47, line 15 to page 48, line 14 (e.g., "writing of the predetermined amount of second buffer data into the second recording layer, the from a predetermined recording unit including a quasi-correspondence address which is supposed to be located on the one side of a correspondence address in the one portion of the buffer area of the second recording layer corresponding to the physical address," page 17, lines 1-5).

Accordingly, it is respectfully submitted that the recitation of a "quasi-correspondence address" as it appears in the claims is supported by the specification, and that no correction to the specification is required. Withdrawal of the objection is solicited.

The Official Action rejected claims 13 and 15 under 35 USC 112, second paragraph, as being indefinite. The Official Action states that claims 13 and 15 fail to limit the parent claim by i) limiting themselves to the recording apparatus, and ii) as to claim 15, introducing method limitations to an apparatus parent claim.

In response, claims 13 and 15 have been amended as independent claims responsive to the Official Action's rejection. Reconsideration and withdrawal of the indefiniteness rejection are thereby respectfully requested.

Substantive Rejections

The Official Action rejected claims 1, 2, and 7-16 under 35 USC 103(a) as being unpatentable over acknowledged prior art in further view of Yamamoto et al. (US 6,656,560; "YAMAMOTO").

The Official Action rejected claims 3 and 4 under 35 USC 103(a) as being unpatentable over acknowledged prior art in view of YAMAMOTO and further in view of JP 2004-362726 ("JP '726").

The Official Action rejected claims 5 and 6 under 35 USC 103(a) as being unpatentable over acknowledged prior art in view of YAMAMOTO and further in view of Ross (US 6,801,494; "ROSS").

The rejections are respectfully traversed for at least the reasons that follow.

It is firstly noted that the claims have been amended.

It is respectfully submitted that neither the acknowledged prior art nor YAMAMOTO, individually or in combination, teach or suggest all the features recited by the amended claims.

For example, it is respectfully submitted that neither the acknowledged prior art nor YAMAMOTO, individually or in combination, teach or suggest either of the buffer areas, recited by claim 1, nor that the first and second buffer data is recorded into one portion of the buffer area, as required by claim 1.

On the contrary, YAMAMOTO discloses a guard area 14 wherein no data is recorded (column 4, line 60). YAMAMOTO discloses "a rewritable... recording medium... wherein the preformatted areas in at least a most distal recording layer among the plurality of recording layers... include guard areas located at both ends of the respective preformatted areas in the tracing direction and having no data recorded thereon," (column 3, lines 6-16).

In contrast, claim 1 requires the writing device to i) to write the first portion into the first recording layer along the first track path, and then write a predetermined amount of first buffer data into the first recording layer along the first track path in one portion of the buffer area of the first recording layer, and ii) to write a predetermined amount of second buffer data into the second recording layer along the second track path in one portion of the buffer area of the second recording layer (emphasis added).

YAMAMOTO discloses the guard area 14 is an area for avoiding the disadvantage of adverse effects in recording/reproduction due to the change of the one of the

transmittance, recording beam intensity, or reproduced signal intensity (column 2, lines 30-60; column 6, lines 13-18).

In contrast, the buffer area of the invention is an area for preventing a recording or reproduction position for the first and second recording layers from being off to an unrecorded area. YAMAMOTO's guard area 14 neither teaches nor suggests this, and even expressly teaches away from the buffer recited in the claims by disclosing that no data is recorded there. "The guard areas are formed at both ends of each preformatted area 5 in the tracing direction, and no data is recorded on the guard areas," (column 4, lines 58-60).

Accordingly, it is respectfully submitted that claim 1 is patentable over the acknowledged prior art and YAMAMOTO.

It is also respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable claim.

It is further respectfully submitted that independent claims 13-16 are patentable at least for the same arguments set forth above as to claim 1.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that applicants have fully responded to the August 11, 2008 Official Action and that the claims as presented are patentable. In view of this,

applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

Please charge the fee of \$220 for the extra independent claim added herewith to our credit card.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Roland E. Long, Jr./
Roland E. Long, Jr., Reg. No. 41,949
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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